

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
Case Number 4:20-CR-00081-M-1

UNITED STATES OF AMERICA

v.

ANTHONY JOSEPH FRITZINGER  
Defendant

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SENTENCING MEMORANDUM

The Defendant, Anthony Fritzinger, by and through undersigned counsel, respectfully submits this Memorandum in support of his position on sentencing and prays that this honorable Court grant him mercy. Pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, 18 U.S.C. § 3553(a), *Gall v. United States*, 522 U.S. 38, 128 S.Ct 586 (2007), and *Kimbrough v. United States*, 552 U.S. 85, 128 S.Ct. 558 (2007), Your Honor will exercise the discretion necessary to comply with the purposes of our criminal justice system. The Presentence Investigation Report (PSR) suggests an Advisory Guideline Range of life. Mr. Fritzinger respectfully requests Your Honor to sentence him to a term of one hundred eighty (180) months (that being fifteen (15) years). Mr. Fritzinger asserts that a sentence below the advisory range adequately serves to punish him and, when followed by a term of supervised release, more than sufficiently serves the deterrent and rehabilitative goals of sentencing.

3553(a)(1) Considerations

I. THE HISTORY OF THE DEFENDANT: THE CRIMINAL HISTORY OF THE DEFENDANT

The charges against Mr. Fritzinger are uncharacteristic and unrepresentative of who he is as a person. His criminal history calculation of zero (0) is reflective of his law abidingness.

II. THE CHARACTERISTICS OF THE DEFENDANT

A. HEALTH PROBLEMS

Mr. Fritzinger currently suffers from a tear in his right labrum, collapsed arches in his feet, rhabdomyolysis, chronic right hip pain, blackouts, and involuntary arm spasms. Though the Bureau of Prisons (BOP) is equipped to handle these medical conditions, it is certainly not the optimal environment to aid in physical recovery. It is undisputed that when compared to the general population, incarcerated persons and those with a history of incarceration are less healthy both mentally and physically. *Social Determinants of Health Literature Summary: Incarceration*, Office of the Assistant Secretary for Health, <https://odphp.health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/incarceration> (last visited May 6, 2025).

Mr. Fritzinger requests undersigned to counsel to make this Honorable Court aware that he has been experiencing auras (sensory disturbances) since being incarcerated. In seeking medical treatment, he was informed that these auras are oftentimes precursors to seizures.

## B. FAMILY CIRCUMSTANCES

Mr. Fritzinger has suffered from an unstable upbringing, which has likely contributed to his aberrant behavior and mental health concerns. Anthony Fritzinger was born to the non-marital union of Joseph Anthony Castro and Christina Finucan. His biological father was not involved in his upbringing. In fact, Mr. Fritzinger had not met his father until fairly recently (when he turned eighteen (18)). Unfortunately, due to his father's estrangement, the two struggled to form a connection and have since maintained only minimal and infrequent contact. His mother did the best she could to provide for Anthony without the help of his father.

When Mr. Fritzinger was two (2), his mother remarried. At best, his stepfather treated him with indifference and neglect, but this passive pain often morphed into intentional abuse, both verbal and physical. He was hit, kicked, choked, withheld from eating, and verbally accosted. His stepfather commanded authority over the family so much so that he successfully ordered his wife (Mr. Fritzinger's mother) to verbally abuse her son as well. Child Protective Services was contacted on multiple occasions but did not intervene due to the family's portrayal of meeting the basic needs of the child. On one occasion, Mr. Fritzinger attempted to tell his doctor about his troubled home life. Fearful of her husband and the potential repercussions Anthony's admissions may cause, his own mother stopped him from continuing to tell the doctor about their situation. She then removed him from the care of the doctor and sought medical care elsewhere. Mr. Fritzinger became severely withdrawn, resorting to spending the majority of his time locked

away in his room. The abuse, neglect, and isolation caused Mr. Fritzinger's mental health to suffer. He began acting out. His behaviors only worsened his situation. He was kicked out of the home and was forced to live with other family members.

3553(a)(2) Considerations

I. [IN THE MOST EFFECTIVE MANNER] THE NEED FOR THE SENTENCE TO PROVIDE THE DEFENDANT WITH NEEDED CORRECTIONAL TREATMENT

Due to the morally objectionable nature of the offenses charged, it is often easy to lose sight of the fact that "pedophilia is a serious, chronic, *psychiatric disorder*." Lisa Cohen & Igor Galynker, *Clinical Features of Pedophilia and Implications for Treatment*, 8 J. Psychiatr. Pract. 276 (Sept. 2002) (emphasis added). Dr. Sapia provides valuable insight into Mr. Fritzinger's mental health status and his need for services. (Ex. 1). Mr. Fritzinger needs and wants mental health treatment. He requests undersigned counsel to make this Honorable Court aware of his persistent pleas for mental health resources that seem to have fallen upon deaf ears. Mr. Fritzinger's search for mental health treatment began long before he was charged with this conduct. Unfortunately, had the cries for help been heard and the resources provided perhaps we might not be where we are today.

3553(a)(7) Considerations

I. THE NEED TO PROVIDE RESTITUTION TO ANY VICTIMS OF THE OFFENSE

The provisions of the Mandatory Victim Restitution Act of 1996 apply to this Title 18 offense. Mr. Fritzinger understands that this Honorable Court will

impose a restitution amount. In doing so, he asks that Your Honor acknowledge his relative inability to pay while incarcerated. He possesses marketable trade skills and is eager to gain employment upon release so he may satisfy any debts owed to the victims. Specifically, he intends to gain employment as an electrician upon release so that he may satisfy any debts imposed by this Honorable Court as well as contribute to his family's wellbeing (namely supporting his mother).

### 3553(a)(8) Considerations

#### I. MILITARY CAREER

Prior to the commencement of this action, Mr. Fritzinger served in the United States Marine Corps wherein he achieved the rank of E-3 before separation. During his service, he specialized in electric and radio maintenance and was awarded the Defense Ribbon and the War on Terrorism Ribbon.

### Conclusion

Mr. Fritzinger pleads with this Honorable Court to allow him the opportunity to return to society as a productive citizen. At his young age, he possesses the requisite mental tenacity to be rehabilitated and reintegrated. He expresses his sincere gratitude for Your Honor's valuable time and careful consideration regarding this sensitive matter.

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WHEREFORE, Mr. Anthony Fritzinger respectfully requests that this Court sentence him to a term of one hundred eighty (180) months (that being fifteen (15) years).

Respectfully submitted this the 3rd day of July 2025.

W. JAMES PAYNE LAW FIRM

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Defendant                                       \*

CERTIFICATE OF SERVICE

I hereby certify that on July 3<sup>rd</sup> 2025, I electronically mailed the foregoing to the Clerk of Court using CM/ECF which will send notification of such filing to the following parties: Jacob Pugh, Esq. and Erin Blondel, Esq.

Respectfully submitted,

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